

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE

2005 NOV -7 A 9:34

SHARON MCNULTY

Plaintiff,

v.

MASSACHUSETTS BAY COMMUTER
RAIL COMPANY, LLC and
MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY
a/k/a MBTA

CIVIL ACTION NO. 05-10040-WGY

**ASSENTED TO MOTION TO CONTINUE THE NOVEMBER 9th, 2005
MEDIATION**

Now comes the plaintiff, Sharon McNulty, and with the assent of the defendants, respectfully requests that the Court continue the November 9, 2005 mediation to another date that is convenient for the Court in January, 2006. As grounds for and in support of this Motion the plaintiff states as follows:

1. This is a personal injury action brought by the plaintiff, Sharon McNulty, against her employer, pursuant to the Acts of Congress, April 22, 1908 c. 149, 35 Stat. 65 and amendment thereto, U.S.C.A. Title 45, section 51, et seq., and further amended by the Act of Congress on August 11, 1939, Chapter 685 – 1st Session of the 76th Congress, know and cited as “The Federal Employers’ Liability Act” to recover her damages, including but not limited to, her lost wages for injuries she sustained to her wrist on March 28, 2004.
2. Suit was filed on or about January 11, 2005, and discovery by both sides has proceeded without issue.

3. On September 14, 2005, defendants filed an Assented to Motion to Continue the September 23, 2005 Mediation pending plaintiff's deposition which was allowed by this Court.
4. The Mediation was rescheduled for Wednesday, November 9, 2005.
5. Plaintiff underwent recent injections and a surgical procedure to her wrist and is presently still treating for her injuries. She is scheduled for additional physical therapy for approximately six weeks in an attempt to resolve the swelling in her wrist.
6. Whereas this mediation will occur prior to the knowledge of the outcome of plaintiff's treatment, plaintiff will be unable to know the full extend of her injuries.
7. This two month continuance will not prejudice any party.
8. The defendants Assent to this Motion.

WHEREFORE, the plaintiff, Sharon McNulty respectfully requests that this motion be **ALLOWED** and that the Court re-schedule the November 9, 2005, mediation for a date in January, 2006.

Dated: 11-4-05

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I, Mario Bozza, attorney for the plaintiff, Sharon McNulty, hereby certify that a true copy of the foregoing Plaintiff's Assented to Motion To Continue Mediation was mailed first class, postage prepaid to the following:

Thomas DiGangi, Esq.
Law Offices of John J. Bonistalli
One Financial Center
Boston, MA 02111

On this 4th day of November, 2005.


Mario Bozza, Esq.